PH2H 5605D1

中华人民共和国国家知识产权局

邮政编码：100101 北京市朝阳区北辰东路8号汇宾大厦A0601 北京市柳沈律师事务所 马莹,邵亚丽	发文日期
申请号：2004100472954	
申请人：三星电子株式会社	
发明创造名称：用于操作提供加密内容的因特网站点的方法	

中华人民共和国国家知识产权局 专利审查业务章 104

专利局 2006.4.14

第一次审查意见通知书

1. ☑应申请人提出的实审请求，根据专利法第35条第1款的规定，国家知识产权局对上述发明专利申请进行实质审查。
   ☐根据专利法第35条第2款的规定，国家知识产权局决定自行对上述发明专利申请进行审查。
2. ☑申请人要求以其在：
   KR 专利局的申请日 2000年01月27日为优先权日，
   专利局的申请日 年 月 日为优先权日，
   专利局的申请日 年 月 日为优先权日，
   专利局的申请日 年 月 日为优先权日，
   专利局的申请日 年 月 日为优先权日。
   ☑申请人已经提交了经原申请国受理机关证明的第一次提出的在先申请文件的副本。
   ☐申请人尚未提交经原申请国受理机关证明的第一次提出的在先申请文件的副本，根据专利法第30条的规定视为未提出优先权要求。
3. ☐经审查，申请人于：
   年 月 日提交的 不符合实施细则第51条的规定；
   年 月 日提交的 不符合专利法第33条的规定；
   年 月 日提交的
4. 审查针对的申请文件：
   ☐原始申请文件。 ☑审查是针对下述申请文件的
   申请日提交的原始申请文件的权利要求第 项、说明书第 页、附图第 页；
   2004年5月28日提交的权利要求第 1-8 项、说明书第 1-6 页、附图第 1-3 页；
   年 月 日提交的权利要求第 项、说明书第 页、附图第 页；
   年 月 日提交的权利要求第 项、说明书第 页、附图第 页；
   2004年5月28日提交的说明书摘要， 2004年5月28日提交的摘要附图。
5. ☐本通知书是在未进行检索的情况下作出的。
   ☑本通知书是在进行了检索的情况下作出的。
   ☑本通知书引用下述对比文献(其编号在今后的审查过程中继续沿用)：

编号	文件号或名称	公开日期（或抵触申请的申请日）
1	CN1170995A	1998.1.21
2	CN1157677A	1997.8.20

6. 审查的结论性意见：
   ☐关于说明书：
   ☐申请的内容属于专利法第5条规定的不授予专利权的范围。

回函请寄：100088 北京市海淀区蓟门桥西土城路6号 国家知识产权局专利局受理处收
（注：凡寄给审查员个人的信函不具有法律效力）

☐说明书不符合专利法第 26 条第 3 款的规定。
☐说明书不符合专利法第 33 条的规定。
☐说明书的撰写不符合实施细则第 18 条的规定。
☐_____
☑关于权利要求书：
☑权利要求 7,8 不具备专利法第 22 条第 2 款规定的新颖性。
☑权利要求 1-6 不具备专利法第 22 条第 3 款规定的创造性。
☐权利要求_____不具备专利法第 22 条第 4 款规定的实用性。
☐权利要求_____属于专利法第 25 条规定的不授予专利权的范围。
☐权利要求_____不符合专利法第 26 条第 4 款的规定。
☐权利要求_____不符合专利法第 31 条第 1 款的规定。
☐权利要求_____不符合专利法第 33 条的规定。
☐权利要求_____不符合专利法实施细则第 2 条第 1 款关于发明的定义。
☐权利要求_____不符合专利法实施细则第 13 条第 1 款的规定。
☐权利要求_____不符合专利法实施细则第 20 条的规定。
☐权利要求_____不符合专利法实施细则第 21 条的规定。
☐权利要求_____不符合专利法实施细则第 22 条的规定。
☐权利要求_____不符合专利法实施细则第 23 条的规定。
☐_____

上述结论性意见的具体分析见本通知书的正文部分。

7. 基于上述结论性意见，审查员认为：
☐申请人应按照通知书正文部分提出的要求，对申请文件进行修改。
☐申请人应在意见陈述书中论述其专利申请可以被授予专利权的理由，并对通知书正文部分中指出的不符合规定之处进行修改，否则将不能授予专利权。
☑专利申请中没有可以被授予专利权的实质性内容，如果申请人没有陈述理由或者陈述理由不充分，其申请将被驳回。
☐_____

8. 申请人应注意下述事项：
(1)根据专利法第 37 条的规定，申请人应在收到本通知书之日起的肆个月内陈述意见，如果申请人无正当理由逾期不答复，其申请将被视为撤回。
(2)申请人对其申请的修改应符合专利法第 33 条的规定，修改文本应一式两份，其格式应符合审查指南的有关规定。
(3)申请人的意见陈述书和/或修改文本应邮寄或递交国家知识产权局专利局受理处，凡未邮寄或递交给受理处的文件不具备法律效力。
(4)未经预约，申请人和/或代理人不得前来国家知识产权局专利局与审查员举行会晤。

9. 本通知书正文部分共有 2 页，并附有下述附件：
☑引用的对比文件的复印件共 2 份 10 页。☐_____

审查员：刘剑波(93418)
2006 年 3 月 31 日　　审查部门 审查协作中心

回函请寄：100088 北京市海淀区蓟门桥西土城路 6 号 国家知识产权局专利局受理处收
（注：凡寄给审查员个人的信函不具有法律效力）

第一次审查意见通知书正文

1. 权利要求 1 至 6 不符合专利法第二十二条第三款的规定。

权利要求 1 请求保护一种使站点服务器和用户共享内容加密和/或内容解密密钥的方法，对比文件 1 公开了一种保证设备间安全通信的方法，并具体公开了以下技术特征（参见其说明书第 17 页第 16 行至第 19 页第 17 行，附图 6）：第 1 设备生成一个随机数 R1，并将对 R1 加密后的数据 C1 传送给第 2 设备，第 2 设备对接收到的数据 C1 进行再处理，生成包含 R1 的加密数据 C2，并将其发送给第 1 设备。权利要求 1 同对比文件 1 相比，其区别在于，在权利要求 1 中，用户提供的是个人信息，同时接收的是加密密钥；而在对比文件 1 中，第 1 设备提供的是随机数，接收到的数据 C2 经过与 C1 合并后作为加密密钥。本领域技术人员可以了解，使用的数据无论是个人信息还是随机数，这均为本领域技术人员常用的技术手段，其目的均为增加数据的随机性；同时对加密数据作进一步处理也是本领域技术人员常用的技术手段。因此在对比文件 1 的基础上，结合本领域技术人员常用的技术手段以得到权利要求 1 所要求保护的技术方案，对本领域技术人员来说是显而易见的，因此权利要求 1 相对于对比文件 1 不具有突出的实质性特点和现状的进步，不符合专利法第二十二条第三款有关创造性的规定。

权利要求 2、3 分别对权利要求 1 作进一步限定，其附加技术特征涉及个人信息的组成、存储相关信息，本领域技术人员可以了解，这均为本领域技术人员常用的技术手段，因此当权利要求 1 相对于对比文件 1 不具备创造性时，对其作进一步限定的权利要求 2、3 相对于对比文件 1 不具有突出的实质性特点和现状的进步，不符合专利法第二十二条第三款有关创造性的规定。

权利要求 4 请求保护一种使站点服务器和用户共享内容加密和/或内容解密密钥的方法，对比文件 1 公开了以下技术特征（参见其说明书第 17 页第 16 行至第 19 页第 17 行，附图 6）：第 1 设备生成一个随机数 R1，并将对 R1 加密后的数据 C1 传送给第 2 设备，第 2 设备对接收到的数据 C1 进行再处理，生成包含 R1 的加密数据 C2，并将其发送给第 1 设备。权利要求 4 同对比文件 1 相比，其区别在于，在权利要求 4 中，用户提供的是个人信息，同时接收的是加密密钥；而在对比文件 1 中，第 1 设备提供的是随机数，接收到的数据 C2 经过与 C1 合并后作为加密密钥。本领域技术人员可以了解，使用的数据无论是个人信息还是随机数，这均为本领域技术人员常用的技术手段，其目的均为增加数据的随机性；同时对加密数据作进一步处理也是本领域技术人员常用的技术手段。因此在对比文件 1 的基础上，结合本领域技术人员常用的技术手段以得到权利

要求 4 所要求保护的技术方案，对本领域技术人员来说是显而易见的，因此权利要求 4 相对于对比文件 1 不具有突出的实质性特点和现状的进步，不符合专利法第二十二条第三款有关创造性的规定。

权利要求 5、6 分别对权利要求 4 作进一步限定，其附加技术特征涉及个人信息的组成、存储相关信息，本领域技术人员可以了解，这均为本领域技术人员常用的技术手段，因此当权利要求 4 相对于对比文件 1 不具备创造性时，对其作进一步限定的权利要求 5、6 相对于对比文件 1 不具有突出的实质性特点和现状的进步，不符合专利法第二十二条第三款有关创造性的规定。

2. 权利要求 7、8 不符合专利法第二十二条第二款的规定。

权利要求 7 请求保护一种内容加密方法，对比文件 2 公开了一种由生物统计控制的密钥生成方法，并具体公开了以下技术特征（参见其说明书第 6 页第 3 行至第 8 页第 6 行，附图 2）：系统通过输入屏 128 读入用户的指纹信息，通过对指纹信息进行处理以得到相应密钥，系统使用该密钥加密明文报文。由此可见，对比文件 2 与权利要求 7 属于同一技术领域，采用相同的技术手段，解决相同的技术问题，得到相同的技术效果，因此权利要求 7 相对于对比文件 2 不符合专利法第二十二条第二款的规定。

权利要求 8 请求保护一种内容解密方法，对比文件 2 公开了以下技术特征（参见其说明书第 6 页第 3 行至第 8 页第 6 行，附图 2）：系统通过输入屏 128 读入用户的指纹信息，通过对指纹信息进行处理以得到相应密钥，系统使用该密钥对密文进行解密。由此可见，对比文件 2 与权利要求 8 属于同一技术领域，采用相同的技术手段，解决相同的技术问题，得到相同的技术效果，因此权利要求 8 相对于对比文件 2 不符合专利法第二十二条第二款的规定。

基于上述理由，本申请的权利要求都不具备新颖性和创造性，同时说明书也没有记载其它任何可以授权的实质性内容，因而即使申请人对权利要求进行重新组合和 / 或根据说明书记载的内容作进一步的限定，本申请也不具备被授予专利权的前景，如果申请人不能在指定的期限内提出表明本申请具有新颖性和创造性的充分理由，本申请将被驳回。申请人在答复一通时，必须针对一通中提出的问题进行修改，否则将可能导致申请文本不予接受。

The Patent office of the People's Republic Of China

Address: No. 6 XITUCHENG ROAD, JIMEN BRIDGE, HAIDIAN DISTRICT, BEIJING Post Code: 100088

Applicant:. SAMSUNG ELECTRONICS CO.,LTD.	ISSUING DATE:
Agent: Ya li Shao	2006.04.14
Application No.: 200410047295.4	
Title: METHOD FOR OPERATING INTERNET SITE OFFERING	

THE FIRST OFFICE ACTION

1. ☑ The applicant filed a request for substantive examination on Year ____Month____Day____according to Article 35 Paragraph 1 of the Patent Law. The examiner has conducted a substantive examination to the above-mentioned patent application.

☐ According to Article 35 paragraph 2 of the Patent Law. Chinese Patent office decided on its own initiative to conduct a substantive examination to the above-mentioned patent application.

2. ☑ The applicant requested to take

Year 04 Month 1 Day 2 on which an application is filed with the KR patent office as the priority date.

Year_____Month_____Day_____on which an application is filed with the_____patent office as the priority date.

Year_____Month_____Day_____on which an application is filed with the_____patent office as the priority date.

☑ The applicant has submitted the copy of the earliest application document certified by the competent authority of that country.

☐ According to Article 30 of the Patent Law, if the applicant has not yet submitted the copy of the earliest application document certified by the competent authority of that country, the declaration for Priority shall be deemed not to have been made.

☐ This application is a PCT application.

3. ☐ The applicant submitted the amended document(s) on Year____Month____Day____and Year____Month_____Day after examination, _____submitted on Year_____Month_____Day_____is/are not accepted.

_____submitted on Year_____Month_____Day_____is/are not accepted

because the said amendment(s) ☐ is/are not in conformity with Article 33 of the Patent Law.

☐ is/are not in conformity with Rule 51 of the Implementing Regulations..

☐ The concrete reason(s) for not accepting the amendment(s) is/are presented on the text of Office Action.

4. ☐ The examination has been conducted based on the application text as originally filed.

☑ The examination has been conducted based on the following text(s):

page(s)_____of the specification, Claim(s)_____, and figure(s)_____in the original text of the application submitted on the filing day.

page(s) 1-6 of the specification, claim(s) 1-8, and figure(s) 1-3 submitted on Year 04 Month 5 Day 28

page(s)_____of the specification, claim(s)_____, and figure(s) Abstract submitted on Year 04 Month 5 Day 28

5. ☐ This notification was made without undergoing search.

☑ This notification was made with undergoing search.

☑ The following reference document(s) is/are cited:(the reference numeral(s) thereof will be used in the examination procedure hereafter)

NO.	Reference No. or Title	Publishing Date
1	CN1170995A	1998.1.21
2	CN1157677A	1997.8.20
3		
4		
5		

6. Concluding comments

☐ on the specification:

- ☐ The contents of the application are in contrary to Article 5 of the Patent Law and therefore are not patentable.
- ☐ The contents of the application do not possess the practical applicability as prescribed in Paragraph 4 of Article 5 of the Patent Law.
- ☐ The specification is not in conformity with the provision of Paragraph 3 of Article 26 of the Patent Law.
- ☐ The presentation of the specification is not in conformity with the provision of Rule 18 of the Implementing Regulations.

☑ on the claims:

- ☐ Claim(s) _____ belong(s) to non-patentable subject matter as prescribed in Article 25 of the Patent law.
- ☐ Claim(s) _____ do(es) not comply with the definition of a patent as provided in Rule 2 paragraph 1 of the Implementing Regulations.
- ☑ Claim(s) 7,8 do(es) not possess novelty as requested by Article 22 paragraph 2 of the Patent Law.
- ☑ Claim(s) 1-6 do(es) not possess inventiveness as requested by Article 22 paragraph 3 of the Patent Law.
- ☐ Claim(s) _____ do(es) not possess practical applicability as requested by Article 22 paragraph 4 of the Patent Law.
- ☐ Claim(s) _____ do(es) not comply with the provision of Article 26 paragraph 4 of the Patent Law.
- ☐ Claim(s) _____ do(es) not comply with the provision of Article 31 paragraph 1 of the Patent Law.
- ☐ Claim(s) _____ do(es) not comply with provision of Rule 20 of the Implementing Regulations.
- ☐ Claim(s) _____ do(es) not comply with provision of Rule 21 of the Implementing Regulations.
- ☐ Claim(s) _____ do(es) not comply with provision of Rule 22of the Implementing Regulations.
- ☐ Claim(s) _____ do(es) not comply with provision of Rule 23 of the Implementing Regulations.
- ☐ Claim(s) _____ do(es) not comply with the provision of Article 9 of the Patent Law.
- ☐ Claim(s) _____ do(es) not comply with the provision of Rule 13 paragraph 1 of the Implementing Regulations.

The detailed analysis for the above concluding comments is presented on the text of this Office Action.

7. Based on the above concluding comments, the examiner is of the opinion that

☐ The applicant should amend the application document(s) in accordance with the requirement as specified in the Office Action.

☐ The applicant should, in his observation, expound the patentability of the application of the application, amend the defects pointed out in the Office Action; or the application can hardly be approved.

☑ The examined deems that the application lacks substantive features to make it patentable. Therefore, the application will be rejected if no convincing reasons are provided to prove its patentability.

8. The applicant should pay attention to the following matters:

(1) According to Article 37 of the Patent Law, the applicant is required to submit his observations within **Four** months upon receipt of this Office Action. If the time limit for making response is not met without any justified reason, the application to have been withdraw.

(2) The amendment(s) made by the applicant must meet the requirements of Article 33 of the Patent Law. The amended text should be in duplicate, its format should conform to the related confinement in the Guidance for Examination.

(3) The applicant and/or the agent should not go to the Chinese Patent Office to interview the examiner without being invited.

(4) The observation and/of the amended document(s) must be mailed of delivered to the Receiving Section of the Chinese Patent Office. No legal effect shall apply for any document(s) that not mailed to or reached the Receiving Section.

9. The text of this Office Action contains 7 page(s), and has the following attachment(s):

☑ 7 copies of the cited references, all together 10 pages.

☐

Examination Dept. No._____ Examiner_____ Seal of Examination Dept. for business only _____

(if the Office Action wasn't stamped by the specified seal, it has no legal effect)

TEXT OF THE FIRST OFFICE ACTION

Application No.: 2004100472954

1. Claims 1-6 do not comply with the provision of Article 22, paragraph 3 of the Patent Law of China.

Claim 1 is for a method of enabling a site server and a customer to share a contents encryption and/or a contents decryption key. Reference 1 discloses a method for ensuring the encrypted communication between the devices, and concretely discloses the following technical features (refer to line 16 on page 17 to line 17 on page 19 and Figure 6 in the specification of Reference 1): a device 1 generates a random number R1 and transmits the data C1 which are generated by encrypting R1 to a device 2, the device 2 reprocesses the received data C1, generates the encrypted data C2 which comprise R1 and transmits the data C2 to the device 1. Claim 1 differs from Reference 1 in that: in claim 1, the user provides the personal information and receives an encryption key at the same time; whereas in Reference 1, device 1 provides random number, and the received data C2 become the encryption key after having been combined with C1. It is known for those skilled in the art that all the data used, no matter the personal information or the random number, are the technical means commonly used by those skilled in the art, the object of using the personal information and the random number is improving the randomness of the data. Meanwhile making further process to the encryption data is also the technical means commonly used by those skilled in the art. Therefore it is obvious for those skilled in the art to obtain the technical solution sought for protection in claim 1 by combining Reference 1 with the technical means commonly used by those skilled in the art, thus claim 1 does not possess any prominent substantive features, or represent any notable progress in comparison with Reference 1, thus claim 1 does not comply with the provision on inventiveness as prescribed in Article 22, paragraph 3 of the Patent Law of China.

Claims 2 and 3 respectively make further definitions to claim 1, the additional technical features of claims 2 and 3 relate to forming the personal information and storing the relevant information. It is known for those skilled in the art that said additional technical features are all the technical means commonly used by those skilled in the art. Therefore, as claim 1 does not possess inventiveness in comparison with Reference 1, claims 2 and 3 which make further definitions to claim 1 do not possess any prominent substantive features, or represent any notable progress as compare with Reference 1, thus claims 2 and 3 do not comply with the provision on inventiveness as prescribed in Article 22, paragraph 3 of the Patent Law of China.

Claim 4 is for a method of enabling a site server and a customer to share a contents encryption and/or a contents decryption key. Reference 1 discloses the following technical features (refer to line 16 on page 17 to line 17 on page 19, Fig. 6 in the specification of Reference 1): the device 1 generates a random number R1 and transmits the data C1 which are generated by encrypting R1 to a device 2, the device 2 reprocesses the received data C1, generates the encrypted data C2 which comprise R1 and transmits the data C2 to the device 1. Claim 4 differs from Reference 1 in that: in claim 4, the user provides the personal information and receives an encryption key at the same time; whereas in Reference 1, device 1 provides random number, and the received data C2 become the encryption key after having been combined with C1. It is known for those skilled in the art that all the data used, no matter the personal information and the random number, are the technical means commonly used by those skilled in the art, the object of using the personal information and the random number is improving the randomness of the data. Meanwhile making further process to the encryption data is also the technical means commonly used in the present field. Therefore it is obvious for those skilled in the art to obtain the technical solution sought for protection in claim 4 by combining Reference 1 with the technical means commonly used by those skilled in the art. Therefore claim 4 does not possess any prominent substantive features, or represent any notable progress in comparison with Reference 1, thus claim 4 does not comply with the provision on inventiveness as prescribed in Article 22, paragraph 3 of the Patent Law of China.

Claims 5 and 6 make further definitions to claim 4 respectively, and the additional technical features of claims 5 and 6 relate to forming the personal information and storing the relevant information. It is known for those skilled in the art that all these features are the technical means commonly used by those skilled in the art. Therefore, as claim 4 does not possess inventiveness in comparison with Reference 1, claims 5 and 6 which make further definitions to claims 5 and 6 do not possess any prominent substantive features, or represent any notable progress in comparison with Reference 1, thus claims 5 and 6 do not comply with the provision on inventiveness as prescribed in Article 22, paragraph 3 of the Patent Law of China as compare with Reference 2.

2. Claims 7 and 8 do not comply with the provision of Article 22, paragraph 2 of the Patent Law of China.

Claim 7 is for a contents encryption method. Reference 2 discloses a method for generating a encryption key under the control of a biometric, and concretely discloses the following technical features (refer to line 3 on page 6 to line 6 on page 8, Fig. 2 in the specification of Reference 2): the system reads the finger information of the subscriber from the input screen 128 and obtains the corresponding encryption key by processing the finger information, and the system encrypts the plain text by using said encryption key. It can be seen, Reference 2 and claim 7 belong to an identical technical means, use identical technical means to settle an identical technical problem,

and make identical technical effect, therefore claim 7 does not comply with the provision of Article 22, paragraph 2 of the Patent Law of China in comparison with Reference 2.

Claim 8 is for a contents decryption method. Reference 2 discloses the following technical features (refer to line 3 on page 6 to line 6 on page 8, Fig. 2 in the specification of Reference 2): the system reads the finger information of the subscriber from the input screen 128 and obtains the corresponding encryption key by processing the finger information, and the system decrypts the plain text by using said encryption key. It can be seen that, Reference 2 and claim 8 belong to an identical technical field, use identical technical means to settle identical technical problem, and make an identical technical effect, therefore claim 8 does not comply with the provision of Article 22, paragraph 2 of the Patent Law of China in comparison with Reference 2.

Based on above reasons, the claims of the present application all do not possess novelty and inventiveness. Meanwhile no other substantive content that deserves a patent right is disclosed in the specification. Therefore, even if the applicant rearranges and/or further defines the claims in accordance with the disclosure of the specification, the present application does not possess a prospect of being granted a patent right. The application will be rejected if the applicant cannot come up with sufficient reasons to prove that the application possesses novelty and inventiveness within the designated time limit. If the applicant makes response to the first Office Action, an amendment to the defects as stated in the first Office Action shall be made, otherwise the application documents can not be granted a patent right.

Examiner: Liu Jian Bo

PLI